

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GREGORY DESTINE, a/k/a MRS. GOGO
DESTINE,

Plaintiff,

-v-

No. 20-CV-00082-LTS-OTW

ROMEO JOSEPH, shield no. 501296,

Defendant.

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ORDER ADOPTING REPORT & RECOMMENDATION

The Court has reviewed Magistrate Judge Wang’s May 5, 2022, Report and Recommendation (the “Report”) (docket entry no. 136) which recommends that the Court dismiss this case for failure to prosecute. No objections to the Report have been received.

In reviewing a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.A. § 636(b)(1)(C) (Westlaw Pub. L. 117-139). Where, as here, “no objections are filed to a magistrate judge’s report and recommendation, a district court need only satisfy itself that there is no ‘clear error on the face of the record’ in order to accept the recommendation.” Alpha Cap. Anstalt v. Shiftpixy, Inc., 432 F. Supp. 3d 326, 330 (S.D.N.Y. 2020) (internal quotation and citation omitted).

The Court has reviewed carefully Magistrate Judge Wang’s well-reasoned Report and Recommendation, and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, this matter is dismissed without prejudice

for failure to prosecute. The Clerk of Court is respectfully requested to enter judgment accordingly.

Chambers will mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Dated: New York, New York
June 14, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

Copies mailed to:¹

Gregory Destine
DIN 20R0172
Attica Correctional Facility
639 Exchange St
Attica, NY 14011-0149

Gregory Destine
DIN 20R0172
Orleans Correctional Facility
3531 Gaines Basin Road
Albion, NY 14411-9199

Gregory Destine
DIN 20R0172
Wyoming Correctional Facility
3203 Dunbar Road
Attica, NY 14011-0501

¹ Plaintiff has not updated the Court with her current mailing address, or otherwise contacted the Court, since late 2021. It appears, however, that she is currently incarcerated at the Attica Correctional Facility in Attica, New York. See New York State Department of Corrections and Community Supervision, Inmate Lookup, <http://nysdoccslookup.doccs.ny.gov/> (last visited June 14, 2022). The Court mails this Order to Plaintiff at (1) Attica Correctional Facility, (2) Orleans Correctional Facility, the facility listed on this action's docket sheet, and (3) Wyoming Correctional Facility, Plaintiff's last known facility before Attica. (See docket entry no. 131-1 ¶ 5.)